

HOUSE BILL NO. 77

INTRODUCED BY B. OLSON

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE APPLICATION AND RENEWAL FEES FOR SEPTIC CLEANING AND DISPOSAL LICENSES; REVISING THE ALLOCATION OF LICENSE FEE REVENUE; AMENDING ~~SECTION~~ SECTIONS 75-10-1203 AND 75-10-1212, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 75-10-1203, MCA, IS AMENDED TO READ:

"75-10-1203. Special revenue account. There is an account in the state special revenue fund. Money in the account must be used to fund administration and enforcement of this part. The department shall use \$50 of each license fee collected under 75-10-1212 to provide training and education for those licensed under this part."

Section 2. Section 75-10-1212, MCA, is amended to read:

"75-10-1212. License term, renewal, and fees. (1) A license expires on December 31 of each calendar year. A license is renewable in accordance with procedures established in rules adopted pursuant to 75-10-1202 and upon receipt of the application provided for in subsection (2) of this section. A license is not transferable. If a person ceases to do business, the license terminates and the license must be returned to the department.

(2) An application for renewal of a license must be made on a form provided by the department. The application must contain:

- (a) the full name and address of the licensee;
- (b) a list of counties in which business is to be conducted during the renewal term;
- (c) a list of disposal sites that the licensee intends to use during the renewal term;
- (d) for each disposal site listed pursuant to subsection (2)(c) but not previously listed by the licensee for the year immediately preceding the renewal year:

(i) a certification by the local health officer or the local health officer's representative in the county in which the disposal site is located that the site meets all applicable state and local requirements; and

(ii) written permission to use the site signed by the owner, manager, or other person authorized to give permission to use the site; and

(e) any additional information required by the department by rule.

(3) The fee for a license, including renewal of a license, is ~~\$125~~ ~~\$250~~ \$300, payable to the department at the time of application for the license or renewal. A federal agency, city, town, county, or other political subdivision is not required to pay the license fee. A city, town, county, or other political subdivision, including a federal agency if allowed by federal law, shall comply with all other requirements of this part. The department shall annually return ~~40%~~ \$50 of the fees ~~each license fee~~ to the county where the ~~fees were~~ fee was collected.

The state portion of the fee must be deposited in the account provided for in 75-10-1203. The county portion of the fee must be used to defer the cost of the county to enforce this part.

(4) In addition to the license fee required under subsection (3), the department shall collect a late fee from any person that has failed to submit a license fee between January 31 and April 1 of a renewal year and that operates a business governed by this part in the renewal year. The late fee is \$125 and must be deposited in the account provided for in 75-10-1203. The late fee is the exclusive remedy for the late payment of a renewal fee."

NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2005.

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